



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Chapter 12.12 "Parks" by adding Section 12.12.055 - Interfering with Parks and Recreation Programs


MEETING DATE: July 2, 2008

PREPARED BY: City Attorney


RECOMMENDED ACTION: Introduce Ordinance Amending Lodi Municipal Code Chapter 12.12 "Parks" by adding Section 12.12.055 - Interfering with Parks and Recreation Programs"

BACKGROUND INFORMATION: Parks & Recreation staff has had several occasions where people who have not passed background checks required by California law have attempted to coach children. In at least one incident, an individual prohibited from coaching children based on his criminal record (which included several violent felonies) continued to act as an assistant coach in youth sports and refused all requests of Parks & Recreation staff to cease such activities and leave the field of play. To prevent interference with youth sports programs, this Ordinance will allow the Police Department to arrest and cite individuals who refuse requests to leave the field of play during organized sporting events.

FISCAL IMPACT Not applicable.

For: 
Stephen Schwabauer
Lodi City Attorney

APPROVED:


Blair King, City Manager

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE CHAPTER 12.12
"PARKS" BY ADDING SECTION 12.12.055 "INTERFERING
WITH PARKS AND RECREATION PROGRAMS"

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 12.12 "Parks" – is hereby amended by adding Section 12.12.055 - Interfering with Parks and Recreation Programs, to read as follows:

12.12.055 Interfering with Parks and Recreation Programs:

No person shall be present on any schoolyard or park within ten (10) feet of the field of play of any field being used by a Parks and Recreation affiliated youth program for play, practice or a game unless that person –

- 1) is a City approved volunteer or employee who has received Department of Justice fingerprint clearance; or
- 2) is a youth member of the team and/or program.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect 30 days from and after its passage and approval.

Approved this ____ day of _____, 2008

JOANNE MOUNCE
Mayor

Attest:

RANDI JOHL
City Clerk

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State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held July 2, 2008, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney